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Attorney for Movant

SASSAN RAISSI, A SOLE INDIVIDUAL, AS TO AN UNDIVIDED 600,000/1,429,000
INTEREST; JERRY KIACHIAN, A MARRIED MAN AS HIS SOLE AND SEPARATE
PROPERTY, AS TO AN UNDIVIDED 629,500/1,429,000 INTEREST; MOHSEN
KEYASHIAN, A MARRIED MAN AS HIS SOLE AND SEPARATE PROPE

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In Re	)	Case No.: 20-50182
)	
Pierce Contractors, Inc.,	)	<i>Chapter 11</i>
)	
Debtor.	)	RS: ETW-002
)	
	)	DECLARATION IN SUPPORT OF
	)	MOTION FOR RELIEF FROM THE
	)	AUTOMATIC STAY
)	
	)	Date: December 4, 2020
	)	Time: 10:00 a.m.
	)	Place: 280 South First Street
	)	Courtroom 11, San Jose, CA

I, JERRY KIACHIAN, declare and state:

1. I am over 18 years of age. The following facts are true and correct as to my own
personal knowledge and belief, and if called upon to testify as a witness in Court, I could and
would competently testify in such capacity.

1 2. I am one of the Movants herein. I am personally familiar with the books, records, and
2 files that pertain to the loans and extensions of credit given to Debtor concerning the property
3 described herein. As to the following facts, I know them to be true of my own knowledge or I
4 have gained knowledge of them from my business records which I keep and which Superior
5 Loan Servicing, my loan servicer also maintains on my behalf, all of which were made at or
6 about the time of the events recorded, and which are maintained in the ordinary course of
7 business at or near the time of the acts, conditions, or events to which they relate. Any such
8 document was prepared in the ordinary course of business by a person who had personal
9 knowledge of the event being recorded and had or has a business duty to record accurately such
10 event. The business records are available for inspection and copies can be submitted to the
11 Court if required. I offer the testimony in this declaration based on my review of the relevant
12 business records and my own personal knowledge of the same.

13 3. True and correct copies of the Note and Deed of Trust executed by Debtor are attached
14 hereto as Exhibits "A" and "B" respectively. The named Movant herein is the holder of the
15 Note as that term is defined by the Uniform Commercial Code.

16 4. On or about May 2, 2019, Borrower executed a Note in the original principal amount of
17 \$1,429,000.00 ("Note"). The indebtedness under the Note is secured by a Deed of Trust
18 recorded against the Property ("Deed of Trust"). Movant's loan servicing agent is Superior
19 Loan Servicing.

20 5. Secured Creditor is one of three lienholders on the subject property. The amount owed
21 on Secured Creditor's lien is \$1,797,904.59. Debtor Schedules value the property at
22 \$2,000,000.00. With 8% cost of sale, (\$160,000.00) there is insufficient equity to protect
23 Movant. See Exhibit "D".

24 6. The property taxes are delinquent on the subject property. The 2018-2019 tax years are

1 7. delinquent. The 1st installment amount owed is \$246.04. These taxes were due June 30,
2 2020; 2nd installment amount owed is \$290.64. These taxes were due August 31, 2020. The
3 2019-2020 tax years are delinquent. The 1st installment amount owed is \$2,806.46. These taxes
4 were due June 30, 2020; 2nd installment amount owed is \$3,107.10. These taxes were due
5 August 31, 2020. The 2nd installment of the 2020-2021 tax years is owed in the amount of
6 \$22,937.37. These taxes were due December 10, 2019. See Exhibit "E". Further, Debtor failed
7 to disclose a 2nd and 3rd lien for \$470,000.00 and \$300,000.00. These liens were not listed in
8 Debtor's Schedules. See Exhibit "C".

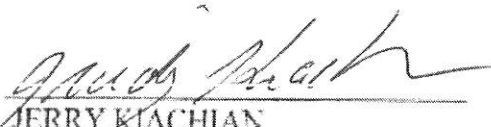
9 8. This case is 10 months old and there has been no Plan filed. Debtor has failed to file a
10 Plan despite two Orders of the Court setting deadlines. See Exhibits "F" and "G". This delay is
11 prejudicial to creditors. Debtor and Borrower Pierce have never made any payment on Movant's
12 loan. Movant's loan is 16 months old. There is no Plan in prospect at this time. See Exhibit "H".

13 9. Debtor's principal Richard Alan Pierce, has a substantial prior bankruptcy history
14 including two cases filed since Movant's loan was made. See Exhibits "I", "J", "K", "L" and
15 "M". Debtor's principal is likely residing in the property, at the creditor's expense.

16 10. Debtor has not made a payment on the loan, ever.

17 I declare under penalty of perjury under the laws of the State of California and the
18 United States of America that the foregoing is true and correct.

19 Executed on this 6 day of November 2020 at LOS ALTOS, CA.
20 California.

21
22 
23 JERRY KIACHIAN
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